

The Grand Jury sitting for the Body of the County of Essex for the beginning of the April Term, 1907, A. D., at the conclusion of its labors respectfully asks the consideration of the Court of the following presentments:

PUBLIC INSTITUTIONS. Our visit to some of these institutions has served to accent the presentment of previous Grand Juries regarding them. Hardly time enough has elapsed for the institution of the changes suggested. We can say that proper civic spirit and pride are on the increase among the men and women to whom the county has entrusted their care and maintenance. We were specially gratified by our inspection of the Newark City Home at Verona. The enthusiasm and zeal which animated the entire household, from the superintendent to the smallest boy, are worth noting. We must commend the "up to date" methods of the management and the practical skill which applies them to the daily lives of the little ones. We can say no less of those in charge of the Penitentiary and the Asylum for the Insane at Overbrook. In these institutions, which the time at our disposal allowed us to visit, we found an absolute cleanliness that was ideal; we perceived in the actions and words of those in charge and their staff, a purpose to dignify their functions and to perform them worthily.

From this picture of intelligent and unselfish devotion to public interests, this Grand Jury was transferred to a scene where private interest for gain or gross

ignorance or neglect was the unpleasant element. This body was informed of the poor stone used in the building now going up at Overbrook, and investigated the matter. Stones were found scattered among those that formed the foundation that could be cut with a penknife or separated by hand, and small pieces could be pulverized between the fingers into powder. The material seemed to be indurated sand; the outside covering, which is a coal tar product, had already been applied in spots and conceals more or less of this defective work. Not having time to investigate further, and finding the condition there so serious, we would recommend that our successors pay an immediate visit to the buildings.

A visit to the public baths on Summer Avenue revealed conditions that were filthy and unsanitary. The inside appearance of the place is not a credit to the city.

In the opinion of this body, future Grand Juries should visit public institutions early in their term so as to be able to call before them those responsible for the condition found therein.

THE SMOKE NUISANCE: We find that the so-called Smoke Ordinance for Newark had its origin in a wish to rid the city of a grievous nuisance; but that it was made ineffective by ignorance, stupidity and greed. It was drawn with special reference to private interest in a smoke chart, and with an eye to furnishing a job for a

particular person; that the inspector who was appointed was slated for the place at a party caucus; that his official sponsor, one of the aldermen of his ward, named him, without having even read the Smoke Ordinance itself and without informing himself as to the applicant's incompetence; that the appointee had not the qualifications the ordinance itself called for and was generally incompetent and particularly unfit.

The appointment to an important position of trust in which active and intelligent work and immediate results were demanded by a long suffering public was an insult to the citizens of Newark; an abuse of power, an evidence of indifference to official duties, and dangerously near to an indictable offense. The pressure of partisan politics is great; the pressure of public sentiment is greater.

Cases like this of flagrant disregard by Newark's officials of their official oaths are too common in the city's government; civil service rules in all departments would check them; but shorter and more drastic methods can meanwhile be applied without civil service rules.

THE SMOKE NUISANCE: We find that smoke and gases from the chimneys of factories and other establishments in Newark have become a nuisance; that they cause a great financial loss to householders and merchants through injury to goods and merchandise; that they also cause serious financial losses to many by blackening the exter-

iors of buildings necessitating frequent paintings; that they are in themselves injurious to health and create unhealthful conditions in stores and factories by making it necessary to keep windows closed even in the hottest weather. We find that this nuisance has in recent years grown rapidly worse. The greatest offender is the Public Service Corporation. We find that this company has the matter under investigation and promises to take measures to mitigate the evil in the near future. We wish we could give, as the result of our inquiries, stronger assurance of early relief in this quarter; but the company's apparent indifference toward the city's general well-being prevents this in this instance. While a few experiments have been tried elsewhere by it, no change has been made in its equipment in this city during the last four years, although numerous excellent inventions since that time have obviated the trouble in other cities; there are private power plants in this city and vicinity that for efficiency, economy, and perfection in suppressing this nuisance, are far ahead of any plant of this corporation. The report that we received of the investigations and experiments thus far made by the Public Service Corporation compel us to conclude that to wait only on their voluntary action ~~in~~ in this matter, will be to wait a long time.

We earnestly urge, therefore, that public agitation and public education in this matter be continued; that a proper legal ordinance be speedily passed limiting the time from the passage of the ordinance to a suitable period for the abatement of the nuisance and providing

for a direct penalty of fine or imprisonment of owners and officials responsible for the outrage; that an efficient, educated and experienced inspector be appointed who shall report to some responsible body and prefer charges in the courts in order to enforce the ordinance and produce the results which our citizens demand.

PUBLIC SERVICE CORPORATION, ELECTRIC LIGHT and POWER DEPARTMENT: We find that this branch of the Public Service Corporation imposes burdensome restrictions upon the citizens of Essex County who uses their product. It exacts a contract for a year's use from every consumer. It exacts a minimum charge per month whether current is used or not used. It restricts the use of the current paid for by the consumer to the one specified contract use, and for another use exacts another contract and another monthly minimum charge. We hold that all the cost of production and distribution should be included in the rates charged and that the Corporation should not be paid for services not rendered, and that the service should be discontinued at the will of the ~~some~~ consumer. We find also that this department makes special very low rates to ordinary consumers where threatened with competition from the block system. This is clearly a cause for the forfeitures of character, one of the cardinal principles of which is, or ought to be a uniform price to every consumer, modified by certain quantitative discount. We therefore call attention to these practices and ask that our law makers and county authorities devise and execute means to prevent these ex-

actions and unfair discriminations. And we would warn this Corporation that the patience of our community with its continued disregard of its obligations as a public servant has very nearly reached its limit. Our courtesy prevents any addition to the indictment of a former Grand Jury, which is yet ^{un}disposed of.

OVERCROWDED STREET-CARS. It is almost a waste of energy to reiterate former deliverances on this subject. Cars built for thirty or thirty-five persons are packed with sixty-five and seventy, and in consequence wheels wear flat, brakes give out, connections burn out--general demoralization everywhere.

Will the authorities and the courts ever come to some sense of their responsibility for the lives of passengers? We hope that the warning of the late Kinney street accident will be heeded and the future Grand Juries will note an improvement.

SMOKING ON REAR PLATFORMS OF STREET-CARS. This is an offensive practice which greatly increases the discomforts and dangers of street-car travel. In many cities it is prohibited by a rule of the company, as in Boston, Philadelphia, Providence, Worcester, Seattle, New York, Hartford and Pittsburgh. The rule is reported to be well enforced in all these cities, and absolutely so in Pittsburgh. If it is stopped in other cities it can be here.

The smoke is not only offensive on the platform; it frequently goes into the car and still further poisons the air inside, which is never too pure.

Many who stand and smoke on the platform and help crowd it would go inside if smoking were forbidden; so the habit ~~xx~~ increases the serious evil of crowded platforms. Women as well as men must often push their way through a crowd of smokers to get into the car. The crowd on the platform often hides the steps from the conductor. Many accidents arise from this condition of affairs, the conductor not being able to see those getting on or off.

The street railway company is ready to establish a rule forbidding smoking on the rear platforms of its cars; but believes that at present public opinion would not permit its enforcement. We are not of this opinion. Public opinion would sustain the company, and the rule should be established.

THEATRICAL POSTERS: We bring to the Court's attention the apparent lack, in the City of Newark, of adequate provision for the supervising of theatrical posters and show cards. The License Inspector has power, upon complaint, to order any objectionable posters removed; and the provisions for enforcing such an order appear to be ample. Objectionable pictures, however, ought not to be displayed at all. The supervision needed should be exercised before, not after, exposure; and the respon-

sibility for establishing and maintaining standards of decency cannot properly be shifted upon the public, but belongs to the Department of Police.

While the task of discriminating in this matter is admittedly difficult, and the exercise of the power subjects to possible abuse, recent examples admonish us that the neglect of any supervision over theatrical pictures, lead billposters and managers to believe that there are no rules of decency which they are bound to respect, and that self-respecting citizens and innocent children may have lewd and indecent suggestions spread before them without stint.

We are advised that some cities have found it entirely practicable to ordain that no theatrical posters shall be publicly posted until a copy of the said bill has been filed at the police headquarters. We believe that responsibility thus definitely located will not be abused and that no legitimate business interest will thereby be hampered, or burdened more than is necessary to safeguard public rights.

We, therefore, recommend that an ordinance to this effect be drawn, and that the Police Commissioners take steps to give it effective force and administration.

ORDINANCES IN RELATION TO STREETS, SIDEWALKS and SIGNS, &c. We find that some of the obstructions on the streets of Newark are being at last removed. The city's ordinances should have been enforced in this matter long

ago. One of them says that signs, illuminated or otherwise, must not project more than three feet from the walls of the buildings. This is violated in many cases, and should be at once enforced. There are firms doing business who systematically bar the sidewalk and three-quarters of the street to passersby, not making the least attempt to contract their operations into as small space as possible, but as bold as though their use of the public street were legitimate.

We recommend a course of education in prison and by the probation officers that may finally enable the offenders to graduate into true civic citizenship.

PUBLIC COMFORT STATIONS: We find that Newark is entirely lacking in sanitary conveniences. There is no public toilet in the city. The library is the only public building open Sundays and evenings. Its toilets were made large enough to accommodate those who come to the building for library purposes; but were not planned to be used as general public toilets. Owing to the lack of public conveniences, these special, small, library toilets have come to be used by a very large number of persons who visit the building simply to use them, and for no other purposes--often more than a thousand per day. Under this condition of affairs it is impossible to keep the toilets in proper condition, they having been constructed for much more limited use. These figures show, if it were necessary to show it, the great need of Public Comfort Stations in

Newark.

The Board of Health, the Commission in charge of parks, and the Board of Street and Water Commissioners all are unanimously in favor of establishing underground toilets at proper points in the city, and the latter board waits only a manifestation of public sentiment, sufficient to justify the expense of their construction and maintenance. Many American cities have supplied themselves with these conveniences in recent years. New York, Brooklyn, Boston, Worcester, Holyoke, Cleveland, Washington already have comfort stations, and other cities are building them. Their lack is a reproach to our methods of life. Health, decency and cleanliness demand them. We believe the call for them in Newark is urgent. The proper authorities should install them.

CONCEALED WEAPONS. The number of shooting and stabbing affrays, often resulting in murder even though the provocation be slight, is steadily increasing in this county, thereby engaging an undue portion of the time of our courts, causing increased taxation and lessened security of life.

The carrying of revolvers, stillietoes and other weapons is too general, and the custom has become a menace to peace which can only be eradicated by stern and aggressive measures.

We believe that the laws relating to concealed weapons should be promulgated in several languages, and

be rigidly and persistently enforced by the police authorities.

EDUCATION OF THE POLICE FORCE: Most of the members of the Police Force are no doubt ready to perform their duties; but we find that their superiors have neither properly instructed them in their duties nor subjected them to rigid discipline. A police rule, for example, forbids conversation between policemen on duty except on police business. This rule is constantly violated, as is the one forbidding them leaving their posts during hours of duty.

THE NEW COURT HOUSE: We find the Court House is not properly cared for. This beautiful and costly building has fallen into the hands of a Superintendent, an Assistant Superintendent and about twenty-five other persons, paid to guard and clean it, all of whom, down to the charwoman, are political appointees. The result is as lamentable as it is inevitable. The polished marble walls and the interesting and beautiful paintings and decorations enclose and look down upon unwashed floors, dusty corridors and dirty corners, and neglected closets.

The building is a monument celebrating the pride of citizenship of the men of Essex County. It should speak to all who enter it of civic duty, the wholesome life and moral cleanliness. That its court of law of necessity

bring to it daily many of unclean habits and faulty morals is all the more reason why its every corner should speak of the beauty of cleanliness and the moral health which cleanliness goes far to ensure.

We find that while the Superintendent and his assistants have not properly performed their duties-- though they are well paid therefor--the chief blame falls on the Building Committee of the Board of Freeholders. They have evidently given more thought to political opportunities than to the trust they have accepted from their fellow-citizens. They can hire efficient help with the salaries they pay \$18,000 a year, and can see to it that the building in their charge is kept spotlessly clean. If they do not do this they deserve the scorn and reproach which every intelligent citizen will surely give them.

THE LICENSE COMMITTEE OF THE COMMON COUNCIL: Our investigation of the business methods, of this Committee lead us to but one conclusion, namely, that it is our duty to condemn and censure the License Committee for its utter disregard of the best interests of our city, in that licenses were granted to run concert Halls and places of so-called amusement to those already under indictment and in the face of the objection thereto by the license inspector, and one member of the committee.

We find that the license committee were not warranted to making the claim that they granted the license to 296 Market street, without knowledge or with faulty

information; that they had been advised of the facts by the inspector at the two meetings of the committee, at which time he reported that he had refused to give the license on his own responsibility.

We find ~~that~~ this action of the committee and particularly their unwarranted claim of a want of knowledge, which the minutes of their own meetings show they were possessed of, was most reprehensible; that it justly subjects them to severe criticism from all citizens, and that their conduct was plainly in violation of their solemn ~~oath~~ ~~of~~ office.

The statement under oath of the Chairman of the License Committee, when before this body was so contrary to the facts as developed and as shown by the minutes of that committee, that this body recommend his removal as Chairman of that committee, feeling that his occupancy of the position of the Chairmanship of the license committee is injurious to the interest of the City of Newark.

FORFEITURE OF LICENSES: We find that the Excise Board does not revoke or declare void the licenses of places where the owners or lessees have been convicted of the violation of the law. The liquor law of 1889 and its various amendments, in prescribing the manner of proceeding in order to have a license forfeited or declared void, says that it must be upon the complaint of two citizens made ~~at~~ before the body issuing the license after the conviction. Where these two citizens are to come from and how the

fact of a conviction can come officially before the Excise Board or court granting licenses, seems to be incomprehensible to the minds of our own city and county Judges and officials. It would seem that here is a hiatus which cannot be bridged. The wonder is that this notable omission, which has palsied all effort toward the enforcement of the law for eighteen years should not have been remedied or attention called to it before. We recommend that the various judges before whom convictions are secured under the liquor laws, require two of their court clerks to sign the formal complaint and to present that and the record of the conviction to the court or Excise Commission which granted the license. Failing that, we consider it the duty of the county and city prosecuting officers to have this formal petition made by members of their staff and present it with the official record of the conviction to the Court or Excise Board, that there may be no excuse for avoiding the action required by the law.

We take this occasion also to disapprove of the action of the Excise board in the reduction of the saloon license fee from \$500 to \$400, thus greatly reducing the revenue of the City.

CO-OPERATION BETWEEN THE SEVERAL DEPARTMENTS OF THE CITY GOVERNMENT: We find that the heads of the several departments of the City of Newark, (Fire, Police, Health, Schools and Street and Water) do not confer over the city's

affairs to learn how the departments can aid one another. They should hold frequent conferences and work together, and the mayor should call such a conference monthly. The lack of co-operation is especially notable in the Police Department. We find that no manual of Police Instruction has been published since 1897; that it is now out of print; that policemen are not thoroughly instructed in their duties, especially with reference to reporting the violation of the ordinances of the Board of Health and the Board of Street and Water Commissioners. The gross negligence of the Police Department in this matter makes ineffectual all attempts to keep the city clean, its streets free from obstructions, its sidewalks clear of signvenders, and merchandise, and the whole city sanitary and attractive. Proper ordinances are issued, but are not enforced, their very existence being apparently unknown to the men on the police force. The cost of keeping the city in good condition would be reduced, were there a proper business-like co-operation between the several departments. We cannot express too strongly our conclusions on this point. No person at the head of a department of any enterprise would be considered to be doing his work properly did he not conduct his part of the business in a way to make it helpful to the others as well as effective in itself. The lack of ordinary common sense shown in this matter in the city's management is very manifest and leads to inefficiency and needless expense.

We recommend to the Board of Police Commissioners that the Captains of Police be instructed to see to it that

the men under them be given frequent instructions and examinations on the various city ordinances, violations of which may come under their observation, that they may duly reprove those guilty of the infractions and report every such violation that may come under their observation, also that a synopsis of such ordinances be included in the printed manual of Police Instruction.

~~WORK OF THE GRAND JURY.~~ By resolution this Grand Jury limited its term, the new law allowing it, to six weeks service. We are reasonably sure that in the shorter term almost as much work will be done, leaving in the future, Grand juries more time for the investigation of county affairs. We consider that this will add much to the work of the clerk of the Grand Jury, to whose services we find ourselves much indebted. We consider that his knowledge of county affairs, his painstaking efforts to forward its interests, and the increase of his work as indicated, entitle him to a better return in the future.

We therefore recommend that his salary be increased and that the bill now before the legislature giving him an assistant should be passed, at its adjourned session in June.

NEWARK'S CHARTER: We approve most heartily of the movement to secure a new charter for Newark. The present charter is fifty years old; was never adapted to a large city and modern conditions; has been tinkered by successive legislatures until it is too complex to be understood; distributes responsibility until it is impossible to learn where it rests; complicates and entangles city affairs; makes a business-like administration almost impossible even where intentions are good; makes it easy for ignorance and incompetence to do their worst; and opens a hundred doors to the greed and petty personal ambitions of partisan politicians. Under present conditions, the will of the majority, which wishes the city well, could not, with the utmost attention to city affairs, secure an economic and efficient administration. The laws are too complex and the purposes of the well meaning are too easily frustrated.

To the excellent commission on charter-revision we may safely leave the form the new instrument shall take. We wish simply to call attention to the fact that the evils we have noted in this presentment could be and doubtless would be prevented did the city's charter fix all responsibility on a few carefully selected men, and give them the power to demand competent administration from heads of subordinate departments.

of
The astonishing want of co-operation between departments, most notable on the part of the police with the other departments, results in waste of energy and lack

of effectiveness on all sides; the miserable fiasco of the first smoke-ordinance with its farcical inspector; the license committee's blundering over its work, in self sufficient ignorance--these we have spoken of elsewhere--to them, and all are due in part to a tangled web of charter provisions--may be added many examples of official incompetence and greed, like the gift to the liquor interests of \$350,000 per year by the reduction of license; the transfer of a license, already void by the law's plain intent, to a second saloon without charge; the failure of the police to do their work as shown by the sheriff's vigorous campaign, of the city clerk's force; to be replaced by ignorant or incompetent political appointees; the appointment of an excessive force of well-paid idlers who pretend to do the janitor work of the city hall; the failure of the horde of janitors and cleaners to keep decently clean the new Court House; the petty row in the Board of Education resulting in law-suits by architects, which have already cost the city \$2000, and may easily cost \$10,000 more; the partisan squabble in the same board which delayed its long organization this year and prevented it from even entering on the work it had already shown itself incompetent to manage; the constantly publicly-aired petty squabbles in the same board, lowering the tone of the city's whole educational system--all these and other like things are not due entirely to the ignorance and selfseeking of the city's officials; but partly to the fact that

the wise and resolute men in office--and there are many such--find it impossible to make themselves properly felt under the present complicated legal machinery.

The charter of Newark should be revised at the earliest possible day.

We endorse the recommendations made by the Grand Juries of the September and December Terms, and particularly these:

That the jurisdiction of the police courts be broadened and their sessions lengthened.

That the written request to appear before the Grand Jury take the place, with the assent, of the "Waiver of Rights".

That there be appointed an assistant judge to take care of special sessions, orphans court, naturalization and juvenile court matters, in order that a less number of the smaller or minor cases be referred to the Grand Jury.

That the work of each Grand Jury be made available to its successors, if only by placing in the hands of each Grand Jurymen printed copies of the presentment of the proceeding one that they may be made more familiar with the work they are expected to do.

That a system of public accounting for the cities of Essex County and the county itself be adopted.

That patrolmen on the police force be given fuller instruction in regard to their duties and that

promotion among them be made solely for their merit;
long and faithful service not going without proper re-
cognition.

In conclusion we would say that various other matters for investigation and presentment were brought to our notice. The refusal of a common carrier to furnish transportation, the city combination controlling our coal supply, the pressure exerted upon a faithful official by certain predatory business interests, gambling on railroad trains going westward daily, these are similar matters we must leave to future Grand Juries. We have done what we could with the time at our disposal.